REMARKS

Claims 1 and 17 are amended. No new matter is added by the amendments. Claims 4-16 and 20-28 were previously canceled without prejudice or disclaimer. Claims 1-3 and 17-19 are pending. By amending and canceling the claims, applicant is not conceding that the claims are unstatutory under 35 U.S.C. 101, 102, 103, and 112, and is not conceding that the subject matter of the claims is unpatentable over the references cited by the Office Action, as the claim amendments are only for the purpose of facilitating expeditious prosecution. Applicant respectfully reserves the right to pursue the subject matter of the original claims, as it existed prior to any amendment or cancellation and to pursue other claims in one or more continuation and/or divisional applications. Applicant respectfully requests reconsideration and allowance of all claims in view of the amendments above and the remarks that follow.

Rejections under 35 U.S.C. 103

Claims 1-3 and 17-19 are rejected under 35 U.S.C. 103(a) over Crawford (US Patent Number 7,080,051 B1) in view of the background section (page 2, lines 1-6) of applicant's specification and Davison "Dynamic Resource Brokering for Multi-User Query Execution."

Applicant respectfully submits that the claims are patentable over Crawford, page 2, lines 1-6 of applicant's specification, and Davison for the reasons argued below.

Claim 1 recites: "logically-partitioned computer system comprises a plurality of logical partitions, wherein each of the plurality of logical partitions executes a different operating system," which is not taught or suggested by Crawford, applicant's background section, and Davison for the reasons argued below.

In contrast to claim 1, Crawford at Fig. 3 illustrates two physical computers (the customer replica service computer 160 and the customer computer 50) connected via a data link 150. Since the customer replica service computer 160 is a replica of the customer computer 50, they execute the same operating system, so Crawford does not teach or suggest and teaches away from the "logically-partitioned computer system comprises a plurality of logical partitions, wherein each of the plurality of logical partitions executes a different operating system," as recited in claim 1.

The Office Action relies on the background section, page 2, lines 1-6 of applicant's specification, which recites: "In addition, some computers implement the concept of logical partitioning, where a single physical computer is permitted to operate essentially like multiple and independent virtual computers, referred to as logical partitions, with the various resources in the physical computer (e.g., processors, memory, and input/output devices) allocated among the various logical partitions. Each logical partition executes a separate operating system, and from the perspective of users and of the software applications executing on the logical partition, operates as a fully independent computer."

First, applicant's background section does not state that the operating systems are different.

Second, no motivation exists to modify Crawford with different operating systems because to do so would destroy the function of Crawford and render Crawford inoperable for its intended purpose. Crawford's intended purpose is explained at Crawford, column 1, lines 32-36: "The present invention more particularly relates to an on-line service that allows remote computer users to connect on-line to computer devices (e.g., 'virtual' disks) and access them to do such things as run computer software from them."

Crawford accomplishes this intended purpose, as explained at column 17, lines 53-56 and 65-67 and column 18, lines 1-9 by "The on-line replica computer 160 is used to facilitate computer access to host computer virtual disks by seamlessly integrating a replica of the customer computer into the communications link 150" where the "local

hard drive 164 of the replica computer 160 can be 'attached' to customer computer 50, and the customer computer local hard drive 64 can be 'attached' to the replica computer 160. This allows the replica computer 160 to write to and read from the customer computer local hard drive 64 and also allows the customer computer 50 to write to and read from the replica computer local hard drive 164. Combined with controlled redirection of keyboard, mouse, video and printing, execution during a replica computer 160 online session can occur in the customer computer 50 or replica computer with user transparency."

Thus, hypothetically modifying the replica computer of Crawford with a different operating system than the operating system of the customer computer causes the Crawford replica computer to no longer be a replica of the Crawford customer computer, so that that one computer accessing the hard drive of another computer and keyboard, mouse, video and printing can no longer be "redirected with user transparency" because different operating systems use different routines and interfaces to access hard drives, keyboards, a mouse, video, and printing. Hence, hypothetically modifying Crawford with applicant's background section destroys the function of Crawford and renders Crawford inoperable for its intended purpose, so no motivation or suggestion exists to do so.

In further contrast to claim 1, the Crawford customer computer 50 only has one processor flag 802 (Fig. 16B), and all of the "commands inputted at the customer computer keyboard 56 will be executed by the replica computer 160 processor if the 'processor flag' at the customer computer 50 is set to 'replica computer'," as described by Crawford at column 20, lines 61-64. Thus, Crawford does not teach or suggest "some of the plurality of tasks identifiers indicate that their respective tasks are allowed to use the service-enabled resource and other of the plurality of task identifiers indicate that their respective tasks are not allowed to use the service-enabled resource," as recited in claim 1 because all of the Crawford commands use the same "processor flag" while in claim 1 the tasks have their own "respective service-enabled indicators" and "some of the ... tasks identifiers indicate that their respective tasks are allowed to use the service-

enabled resource and other of the ...task identifiers indicate that their respective tasks are not allowed to use the service-enabled resource."

In further contrast to claim 1, the Crawford replica computer "when first activated ...loads appropriate communications software" prior to receiving "a customer access request," as described by Crawford at column 59, lines 44-55 and as illustrated by Crawford in Fig. 23 at elements 1300 and 1306. Since the Crawford replica computer is activated and loading software prior to receiving a customer access request, the Crawford replica computer is not "disabled until a fee is paid," as recited in claim 1 because the Crawford replica computer has no opportunity to determine whether the customer has paid a fee for access until Crawford receives the customer access request and the userid and password at block 1310 of Fig. 23.

Claim 1 further recites: "the service-enabled resource comprises a service processor in the multi-processor logically-partitioned computer system, wherein the allocating further comprises dispatching the first task to the service processor and adding the service processor to a shared pool associated with a first logical partition to which the first task belongs" and "a plurality of tasks execute in the multi-processor logically-partitioned computer system, wherein the first task is one of the plurality of tasks, wherein the multi-processor logically-partitioned computer system comprises a plurality of logical partitions, and wherein each of the plurality of logical partitions executes a different operating system," which is not taught or suggested by Crawford, Davison, and applicant's background section for the reasons argued below.

The Office Action argues that Davison describes adding the processor to a shared pool associated with a partition to which the task belongs. Applicant respectfully disagrees because Davison at page 282 describes "large, distributed systems" and the utilization of "idle CPU time in distributed network of heterogeneous workstations." Thus, Davison describes multiple distributed physical workstations, each having a CPU, and does not teach or suggest a logically-partitioned computer system, does not teach or suggest that "each of the plurality of logical partitions executes a different operating

system," and does not teach or suggest "adding the service processor to a shared pool associated with a first logical partition" because Davison does not teach or suggest logical partitions. Instead, Davison describes multiple distributed physical workstations, each with its own CPU.
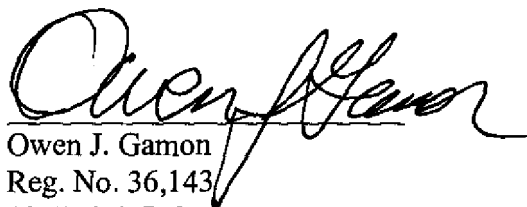
Claim 17 includes similar elements as argued above for claim 1 and is patentable over Crawford, page 2, lines 1-6 of applicant's specification, and Davison for similar reasons. Claims 2-3 and 18-19 are dependent on claims 1 and 17, respectively, and are patentable over Crawford, page 2, lines 1-6 of applicant's specification, and Davison for the reasons argued above, plus the elements in the claims.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (651-645-7135) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0465.
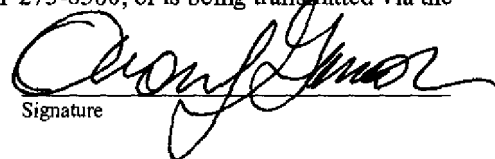
Respectfully submitted,

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